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GOOGLE INC. and KAI-FU LEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC. and KAI-FU LEE,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No.: CV 05-03095 (RMW)

**DECLARATION OF KAI-FU LEE
IN SUPPORT OF MOTION BY
PLAINTIFFS GOOGLE INC. AND
KAI-FU LEE FOR SUMMARY
JUDGMENT**

Date: October 14, 2005

Time: 9:00 a.m.

Place: Courtroom 6

Honorable Ronald M. Whyte

1 I, KAI-FU LEE, declare as follows:

2 1. I am one of the plaintiffs in the above-captioned litigation. I have personal knowledge
3 of the facts set forth in this declaration and, if called upon to do so, I could and would testify
4 competently to all of the matters contained herein. This declaration is submitted in support of the
5 Motion by Plaintiffs Google Inc. and Kai-Fu Lee for Summary Judgment.

6 2. Attached hereto as Exhibit A is a true and correct copy of my August 8, 2000 Microsoft
7 Corporation Employee Agreement.

8 3. Prior to working for defendant Microsoft Corporation ("Microsoft"), I was employed by
9 Silicon Graphics, Inc. in Mountain View, California, and by Apple Computer, Inc. in Cupertino,
10 California.

11 4. In or about May 2005, I approached plaintiff Google Inc. ("Google") regarding the
12 possibility of employment. That contact ultimately led to an offer of employment by Google, which I
13 accepted on July 19, 2005. At that time, I began working at Google's Mountain View, California
14 facility.

15 5. On July 18, 2005, I met with my supervisor at Microsoft and resigned from my at-will
16 employment. Immediately following that meeting, I was personally served by Microsoft with a
17 complaint filed in the Superior Court of the State of Washington, in and for King County, entitled
18 Microsoft Corporation v. Kai-Fu Lee and Google Inc., Case No. 05-2-23561-6 SEA.

19 6. I am currently living in the city of Palo Alto, having moved to California from the State
20 of Washington on July 19, 2005. I have an office at Google's world headquarters in Mountain View,
21 California, and I hold the position of Vice President, Engineering. I have registered to vote in
22 California. I have also obtained a California driver's license and have relinquished my Washington
23 State driver's license. California income and payroll taxes have already been paid by me on wages I
24 have earned in California, and such taxes will continue to be deducted from future wages and other
25 compensation that is paid to me by Google. I currently have two California mailing addresses, one for
26 my personal mail and the second for my business mail. I have obtained new cell phone and telephone
27 numbers for both my work-related and personal calls, both with Santa Clara County area codes.

8. I was expected to oversee recruiting and facilities construction in China for the new research and development center beginning in late 2005. Once the new Google center is ready to open, I had planned to take up temporary residency in China, with my family, as an expatriate Google employee. During my assignment in China, I will be in regular communication with senior management at Google's Mountain View, California headquarters, and I will be traveling to and working at Google's Mountain View facility on a regular basis. California State taxes will continue to be withheld from my compensation from Google. After my Google China assignment ends (approximately 2 years after it begins), I plan to return full-time to California. Up until issuance of the Temporary Restraining Order that was entered in the Washington State court action in the afternoon of July 28, 2005, I was participating in the Google corporate orientation program in Mountain View.

I declare under the penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct. Executed this 25th day of August, 2005.


KAI-FU LEE